IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12217 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHIMANLAL BAPULAL PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR RC KAKKAD for Petitioner

MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 08/12/2000

ORAL JUDGEMENT

1. Rule. Mr. Akshay H. Mehta learned Additional Central Government Standing Counsel waives service of rule on behalf of the respondent. I have heard Mr.R.C. Kakkad, learned counsel for the petitioner.

2. The petitioner has filed this petition for a direction to the respondents - Regional Passport Officer,

Ahmedabad for correction of his date of birth in the Passport bearing International Passport No.A-1012990 issued by the respondent on 25/3/1997 in which the the date of birth of the petitioner has been indicated as 2/2/1952. The learned counsel for the petitioner has submitted that in fact there is an error in the School Leaving Certificate as well as in the Passport issued by the respondent and the correct date of birth of the petitioner is 2/3/1952, according to the Birth Certificate issued by Cambay Municipality. The learned counsel for the petitioner accordingly submitted that since there is an error in the date of birth of the petitioner in the passport issued by the respondent, it is necessary to correct the date of birth of the petitioner in the passport according to the birth certificate issued by the Cambay Municipality. It appears that in the School Leaving Certificate also the date of birth of the petitioner has been indicated erroneously as 2/2/1952. If there is any dispute regarding the date of birth in the School Leaving Certificate and the Birth Certificate issued by the local authority, the Birth Certificate issued by the local authority shall prevail. The respondent - Regional Passport Officer should have corrected the date of birth in view of the Birth Certificate issued by the Cambay Municipality, while recording the date of birth of the petitioner. However, when a mistake has been committed in the date of birth of the petitioner in the passport, the petitioner shall approach the respondent - Regional Passport Officer, Ahmedabad for correction of the same, but the same has not been done, and hence the present application after going through the birth certificate issued by the Cambay Municipality, I am of the view that the date of the petitioner is 2/3/1952 and the respondent should have relied on the aforesaid documents for recording the date of birth of the petitioner in the passport. However, the petitioner may submit all relevant documents including Birth Certificate issued by Cambay Municipality, to the respondent - Regional Passport Officer, Ahmedabad and if such documents are produced by the petitioner, then the respondent is directed to consider the same and pass appropriate order for correcting the date of birth of the petitioner in the passport issued to him and the same shall be done immediately preferably within two weeks from the date of receipt of this order. The respondent cannot be held liable for recording the erroneous date of birth of the petitioner in the passport as this must have been done in accordance with the School Leaving Certificate, now the date of birth of the petitioner is required to be corrected in the passport in accordance with the date of

birth recorded in the Birth Certificate issued by Cambay Municipality. If the respondent - Regional Passport Officer, Ahmedabad after being satisfied makes necessary correction of the date of birth of the petitioner, in that event, the petitioner shall pay a sum of Rs.1500/- to the respondents for such correction.

4. With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute. D.S. Permitted.

(P.K. SARKAR, J.)

Rafik